

Order

Michigan Supreme Court
Lansing, Michigan

June 7, 2006

Clifford W. Taylor,
Chief Justice

127634

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 127634
COA: 248958
Oakland CC: 2002-186783-FC

TOMA DIONE BELL,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the November 9, 2004 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE in part the judgment of the Court of Appeals, VACATE defendant's sentence and REMAND this case to the Oakland Circuit Court for resentencing in accordance with *People v Johnson* (Docket No. 127525), ___ Mich ___ (2006) and *People v Babcock*, 469 Mich 247 (2003).

We do not retain jurisdiction.



s0531

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 7, 2006

Clerk